

**ENFIELD TOWN COUNCIL
MINUTES OF A REGULAR MEETING
TUESDAY, JANUARY 17, 2017**

The Regular Meeting of the Enfield Town Council was called to order by Chairman Kaupin in the Council Chambers of the Enfield Town Hall, 820 Enfield Street, Enfield, Connecticut on Monday, January 17, 2017. The meeting was called to order at 7:25 p.m.

PRAYER – The Prayer was given by Councilor Davis.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was recited.

ROLL-CALL – Present were Councilors Arnone, Bosco, Cekala, Davis, Deni, Edgar, Hall, Kaupin, Lee, Ludwick and Szewczak. Also present were Town Manager, Brian Chodkowski; Town Clerk, Suzanne Olechnicki; Town Attorney, Christopher Bromson; Director of Finance, John Wilcox; Director of Community Development, Peter Bryanton and Director of Development Services, Michael Ciriello

FIRE EVACUATION ANNOUNCEMENT

Chairman Kaupin made the fire evacuation announcement.

MINUTES OF PRECEDING MEETINGS

MOTION #3985 by Councilor Arnone, seconded by Councilor Deni to accept the minutes of the January 3, 2017 Special Meeting.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3985** adopted 10-0-1, with Councilor Ludwick abstaining.

MOTION #3986 by Councilor Hall, seconded by Councilor Arnone to accept the minutes of the January 3, 2017 Regular Meeting.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3986** adopted 10-0-1, with Councilor Ludwick abstaining.

SPECIAL GUESTS

Present were Michael Ciriello, Director of Development Services and Peter Bryanton, Director of Community Development.

Mr. Ciriello and Mr. Bryanton were present to provide an update on various development activities, which have taken place over the last year.

Mr. Bryanton spoke about long term planning as follows:

- Progress is continuing on the Hartford commuter rail line between New Haven and Hartford, and service is scheduled to begin in 2018. Work between Hartford and Springfield will resume in 2018 and continue through 2020. Enfield is working with the State to construct the Enfield rail station sometime after 2020, which depends on the availability of funds.
- The Town is continuing to work on the acquisition of riverfront land owned by Eversource Energy. This land is desired for the transit center and access to the riverfront for the community. Currently, terms are being worked out for an access agreement to that land with Eversource in order to do environmental work, and they are close to completing that agreement.
- As concerns transit-oriented development, the Town has been working with the State on developing strategies in and around the transit center area, which will encourage complimentary development, such as housing and storefronts. Transit-oriented development is a compact-style development, which relies on walk-up traffic as opposed to auto traffic, and it's more a traditional downtown setting as opposed to a mall area.
- There was a transit-oriented development workshop in October with various committee and commission members to craft a vision for what transit-oriented development might look like around the train station area. There will be future workshops on this topic.
- As concerns the Thompsonville bike path greenway, the Town received a grant to fill in the bike path gaps between the Route 190 bridge down to the riverfront. At this time the bike path ends at Pearl Street, and that path will continue down Franklin Street to Enfield Street, down Enfield Street to the pond area where there are already bike paths and extend from the pond area down to the riverfront. This will be another step to opening up the riverfront for the public. The project schedule aligns with not only the transit center work, but also the reconstruction of Main Street and replacement of the South River Street bridge, therefore, there will be much work in this area in the next few years. The bike path will terminate at a viewing area overlooking the river at the end of Main Street, and they plan to eliminate the fences and barbed wire and other impediments to the riverfront so that it will be opened up for the public.
- The Town is also concentrating on village center revitalization by working with the Revitalization Committee on strategies to reinvigorate the traditional centers, including Hazardville, Scitico and Thompsonville. Village centers provide an opportunity for small business growth and walkability for the residents. They need to work with the Planning Office and Planning Commission on form-based zoning, which allows village style development to occur and the rebuilding of centers.

Mr. Bryanton spoke about implementation tools. He explained there's a tax abatement program, which allows the Town to lower its tax rates for negotiated terms to allow businesses to grow and expand in Enfield.

He stated the CDBG loan program on the housing side provides funding for housing rehab and first-time homebuyer loans, which helps to stabilize the local housing market.

Mr. Bryanton referred to tax increment financing (TIF) and noted recent State legislation allows communities to create TIF districts and utilize new tax revenues generated from private investment to help finance projects. He noted the Economic Development Commission is working through the details of this program and plans to have a recommendation to the Town Council in the near future.

He stated another tool has to do with partner organizations. He explained they've developed some close relationships with local and state-wide agencies to network and market Enfield as a place to invest, live, work and play. He noted the Town works with the State on several incentive programs as well. He stated they've developed close ties to the North Central Chamber, Asnuntuck Community College, the Connecticut Economic Development Association and the Main Street Center.

Mr. Bryanton then spoke about the Town's industrial developments and activities. He noted recently Enfield has seen improvements in the local economy, particularly in the commercial and industrial sectors.

- The former Hallmark site was purchased by Winstanley Enterprises, who is investing \$26 million dollars in renovations and has plans to add an additional facility in the rear of the property.
- Conval recently relocated from Somers to Enfield, and they moved into the former Quad Graphics building on Phoenix Avenue, and several new positions will be created.
- Preferred Display Inc. purchased the former Olympia Sales facility on Moody Road, and they're planning to bring in 150 new jobs, some of which will be manufacturing jobs.
- Phoenix Manufacturing, which manufactures airplane parts, will be expanding its operation to the former 3M building on South Road.
- Carris Reels Corporation is developing expansion plans.
- Yankee Castings was recently approved for a 20,000 square foot expansion last year as a result of last year's fire, which destroyed a large part of that facility.

Councilor Arnone welcomed Mike Ciriello, the new Director of Development Services.

Mr. Ciriello stated after Charlotte, NC put in their light rail line five years ago, they've had \$6 billion dollars worth of investment along a nine-mile long line. He noted 80% of all development that has taken place in the city of Charlotte has been within half a mile of a train station. He pointed out Charlotte got started many years in advance of that with their land use planning. He stated Enfield is in the right place at the right time.

PUBLIC COMMUNICATIONS & PETITIONS

There were no comments from the public.

COUNCILOR COMMUNICATIONS & PETITIONS

Councilor Bosco stated he was surprised to find the transfer station closed today. He acknowledged Monday was a holiday, but this resulted in the transfer station being closed two days instead of one day.

MOTION #3987 by Councilor Lee, seconded by Councilor Hall to suspend the rules to address under Miscellaneous Items 14 b1, b3, F, E, G, H and J.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3987** adopted 11-0-0.

Chairman Kaupin welcomed Michael Ludwick to the Town Council.

Chairman Kaupin stated there will be a chili cook-off titled "Chili for Life" at the Pleasant View Golf Center in Somers on Route 83. He noted it is a benefit for an Enfield resident – Al Baker, who was injured by a fallen tree and he has been having multiple surgeries. He noted this winter chili cook-off always benefits someone. He stated the cook-off is from 11:00 to 4:00.

He stated the grand opening of Smash Burger is on Wednesday, January 25th at 10:45 a.m. in the Stop & Shop plaza.

TOWN MANAGER REPORT & COMMUNICATIONS

Mr. Chodkowski stated the Council has within their packets the Projects and Activities Report. He noted they are preparing for the budget process at this time, and the Council has an updated calendar with regards to future meetings, hearings and deliberations.

Councilor Arnone referred to the Projects and Activities Report and noted ETV is doing the history of Enfield, and he's looking forward to seeing those clips. He stated Enfield is rich in history, especially during colonial times.

Councilor Edgar referred to the budget schedule and stated his understanding the budget won't be presented to the Council until April 3rd, which gives only six weeks for the Council to go through everything. He stated his belief that isn't sufficient time. He noted he'd rather see the budget presented to the Council in the middle of March. Mr. Chodkowski stated the March 20th date is the alternate date, and that's the soonest they could get the school budget. He noted if they can get the budget to the Council on March 20th, they will do so, but much sooner compromises their ability to have any accuracy with the information they're presenting. Councilor Edgar stated his belief March 20th is a lot better than April 3rd.

Chairman Kaupin thanked Public Works for getting the word out regarding pick-up changes, sidewalk clearing, etc. He stated he noticed a stepped up effort to use all of the approved communication channels.

He stated they had communicated over the weekend on what to do when they find an ordinance that's out of date. He questioned if they will be reviewing ordinances to see how they apply. Mr. Chodkowski stated there are some elements of the code that he wanted to open up and update. He noted a lot of what he identified is in relation to some operational issues, i.e., code enforcement, blight enforcement and the application of fines and liens. He stated there's the issue with regards to waste collection and bulk pick-up and how they go about insuring the Town is reimbursed for those services. He noted they need to make some updates with regards to those items.

TOWN ATTORNEY REPORT & COMMUNICATIONS

Attorney Bromson stated from time to time there's a company that has been employed to update codes. He noted they could have a consult with the Town Clerk, and she can provide a report as to who has been used in the past.

As concerns the Public Safety Academy, Attorney Bromson stated it appears that most of the removal of the soil has been completed, and they're working on the drainage area. He noted he asked the Town Engineer to look at this area to be sure it's in accordance with the plan and the stipulation approved in court, and it is believed that it is. He stated they will also go out when the work is completed. He noted all the appropriate Town departments will look at this to be sure it's in accordance with all the plans from the DEEP and to what's in the stipulation before they sign off on it. He added he also visited the landfill near the leaf disposal area, and he feels they did a good job.

REPORT OF SPECIAL COMMITTEES OF THE COUNCIL

Enfield High School Renovation Building Committee

Councilor Szewczak stated her understanding they have a partial C.O. for the auditorium. She explained there's a little work that needs to be done regarding seat locations and to be sure everything is in compliance. She noted the whole intent is that when they start the second half of the year, they'll start with the school fully opened and fully operational.

Councilor Szewczak stated the Facilities Committee met recently, and they're looking to have all roofs assessed and looking at the rest of the exterior of the buildings that need to be done. She noted during the next two weeks, they'll try to bundle together general maintenance and items that may be considered in the budget.

JFK Pre-Referendum Committee

Chairman Kaupin stated there is a meeting Wednesday at 6:30 at the JFK Library.

OLD BUSINESS

APPOINTMENTS (TOWN COUNCIL)

MOTION #3988 by Councilor Edgar, seconded by Councilor Arnone to remove Item #7 from the table.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3988** adopted 11-0-0.

NOMINATION #3989 by Councilor Edgar to reappoint Howard Florian (U) to the Commission on Aging for a term which expires 12/31/2019.

MOTION #3990 by Councilor Lee, seconded by Councilor Szewczak to close nominations.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3990** adopted 11-0-0.

Upon a **ROLL-CALL** vote being taken, the Chair declared Howard Florian reappointed to the Commission on Aging by an 11-0-0 vote.

MOTION #3991 by Councilor Szewczak, seconded by Councilor Lee to remove Item #17 from the table.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3991** adopted 11-0-0.

NOMINATION #3992 by Councilor Lee to appoint Marie Pynar (R) to the Enfield Revitalization Committee for a term which expires 4/30/17.

MOTION #3993 by Councilor Szewczak, seconded by Councilor Ludwick to close nominations.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3993** adopted 11-0-0.

Upon a **ROLL-CALL** vote being taken, the Chair declared Marie Pynar appointed to the Enfield Revitalization Committee by a 10-1-0, with Councilor Deni voting against.

MOTION #3994 by Councilor Lee, seconded by Councilor Ludwick to remove Item #22 from the table.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3994** adopted 11-0-0.

NOMINATION #3995 by Councilor Cekala to appoint Gina Sullivan (R) to the John F. Kennedy Pre-Referendum Committee.

NOMINATION #3996 by Councilor Hall to appoint Jason Walsh (R) to the John F. Kennedy Pre-Referendum Committee.

MOTION #3997 by Councilor Lee, seconded by Councilor Deni to close nominations.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3997** adopted 11-0-0.

Councilor Edgar read Gina Sullivan's qualifications and experience for this position and compared it to Jason Walsh's lesser experience. He noted the reason he is voting for Ms. Sullivan is due to her qualifications as stated on her application.

Upon a **ROLL-CALL** vote being taken, the Chair declared Jason Walsh appointed to the John F. Kennedy Pre-Referendum Committee by a 6-4-1 vote, with Councilors Cekala, Davis, Deni and Edgar voting for Gina Sullivan and Councilor Arnone abstaining.

MOTION #3998 by Councilor Deni, seconded by Councilor Lee to remove Item #25 from the table.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3998** adopted 11-0-0.

NOMINATION #3999 by Councilor Cekala to reappoint Billie-Jean Griffin (D) to the Loan Review Committee.

MOTION #4000 by Councilor Lee, seconded by Councilor Ludwick to close nominations.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #4000** adopted 11-0-0.

Upon a **ROLL-CALL** vote being taken, the Chair declared Billie-Jean Griffin reappointed to the Loan Review Committee by an 11-0-0 vote.

All other Old Business items remained tabled.

NEW BUSINESS

The appointment to the Enfield Revitalization Committee will appear on the next agenda.

ITEMS FOR DISCUSSION

Item I. will appear on the next agenda.

All other items have been moved to Miscellaneous.

MISCELLANEOUS

NOMINATION #4001 by Councilor Lee to appoint Richard Regnier (R) to the Enfield Board of Education for a term which expires November 21, 2017.

MOTION #4002 by Councilor Lee, seconded by Councilor Ludwick to close nominations.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #4002** adopted 11-0-0.

Councilor Deni stated he was asked the question why the Town Council is appointing people to the Board of Education. Chairman Kaupin stated according to the Town Charter, any time there's a vacancy on the Council or Board of Education, the Town Council is the appointing body.

Chairman Kaupin stated he is supporting Mr. Regnier for his appointment to the Board of Education. He noted his application was shared with the full Town Council, and Mr. Regnier brings a lot of experience from his professional life.

Upon a **ROLL-CALL** vote being taken, the Chair declared Richard Regnier by an 11-0-0 vote.

NOMINATION #4003 by Councilor Edgar to appoint Bryan Sherman (D) to the Commission on Aging for a term which expires 12/31/2017.

MOTION #4004 by Councilor Szewczak, seconded by Councilor Deni to close nominations.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #4004** adopted 11-0-0.

Upon a **ROLL-CALL** vote being taken, the Chair declared Bryan Sherman appointed to the Commission on Aging by an 11-0-0 vote.

RESOLUTION #4005 by Councilor Lee, seconded by Councilor Arnone.

WHEREAS, WE 35 Bacon Road LLC owns the land and buildings at 25 Bacon Road and shown as Lot 0005 on Town Assessor's Map 095 and Lot 0065 on Town Assessor's Map 094 in the Town of Enfield; and

WHEREAS, WE 25 Bacon Road LLC intends to invest substantial capital to renovate the low-bay building and the high-bay building on the property for two tenants who will provide jobs and pay taxes to the Town; and

NOW THEREFORE BE IT RESOLVED, that the Town Manager, Bryan R. H. Chodkowski, is empowered to enter into the Tax Assessment Agreement, attached hereto as Exhibit A, subject to review and approval by the Town Attorney, in the name and on behalf of the Town of Enfield with WE 25 Bacon Road LLC and to affix the Corporate Seal.

Present for this item were Adam Winstanley, Principal with the development firm of Winstanley Enterprises and Valarie Ferro, Development Advisor from Good Earth Advisors LLC.

Mr. Winstanley stated his company has been involved in development activities in Connecticut since 1994, and they have completed over 40 projects throughout the state in various communities. He noted Winstanley Enterprises is a privately held real estate investment development company and the partners are his father and brother. He noted they have about 80 employees with three offices – one in Hartford, a second in New Haven and their corporate office is in Concord, Massachusetts. He stated they are diversified and they do all different types of projects, i.e., ground-up retail construction in Connecticut and they developed a neighborhood center anchored by Stop & Shop in West Hartford that was on a contaminated site with gross PCB contamination, and they remediated that site. He noted they purchased failed malls for revitalization. He shared several different projects that Winstanley Enterprises has been involved in.

He then spoke about the Hallmark site and how he had discussions with the Town Manager and other Town staff about the possibility of putting together a tax stabilization agreement. He noted this tax agreement is very important to the future of this property, and that agreement provides for a 30% discount to help attract large high-quality companies. He stated they've worked with Town staff to put a balanced deal together that provides a discount that's attractive enough that they've been able to get Veritive, which is a Fortune 500 company based out of Atlanta to sign an 11-year lease and Plastipak is currently leasing 225,000 square feet in the low-bay building for a year. He noted when they've readied the construction in the back building, Plastipak will be moving into the back to lease 320,000 square feet. He pointed out that as of today, they've leased over a million square feet of space, and they have completed \$10 million dollars of improvements on the front building, and the renovation of the rear building is about a \$16 million dollar project. He stated they've used money for a wide range of different improvements in the front building to make that facility competitive for today's

market. He stated some of those improvements include redoing the asphalt and curbing around the property. He noted they upgraded a lot of the docks and levelers, and all the signage on the building has been redone. He stated the entire building and site lighting has been re-lamped with LED lighting, which was over a million dollar expense. He noted over a half million dollars was spent to upgrade the central plant. He stated they installed three new, extremely energy efficient boilers. He noted they replaced the entire sprinkler system.

Mr. Winstanley stated they're very proud of the accomplishments at this facility. He noted there's a significant amount of land in the rear of the facility, and the total site is about 320 acres. He noted they will be coming forward soon with a plan to develop a building somewhere between 700,000 and one million square feet in the back. He stated they're hoping to attract a high quality company that would generate a lot of jobs. He noted there are a number of parcels that they own that are close to residential areas, particularly on Cottage Lane. He stated a number of the parcels as part of this project will be placed into conservation as buffers, and they will come forward at that time with a plan to make sure the plan is well thought out. He noted he's confident this project will be over a hundred million dollar project and it will be a state-of-the-art distribution center, and he expects a lot of jobs will be created and bring in a lot more tax revenue to Enfield.

Councilor Lee stated tax abatements bring value. He noted this has helped accelerate the pace in bringing in solid tenants.

Councilor Arnone voiced his support of the resolution. He noted the Town has to do this to compete with other towns. He stated all other towns in this region are doing this.

Councilor Hall stated it's nice to hear from someone who has come to Enfield and had a good experience with Town departments and staff.

Chairman Kaupin thanked Mr. Winstanley for his investment in Enfield. He referred to the abatement and noted over seven years, this is a net gain for the Town.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #4005** adopted 11-0-0.

RESOLUTION #4006 by Councilor Hall, seconded by Councilor Edgar.

RESOLVED, that in accordance with Chapter VI, Section 8(f) of the Town Charter, the following transfer is hereby made:

TO: Building Inspection 10606800-514000 \$15,000
 Overtime

FROM: Building Inspection 10040000-412010 \$15,000
 Building & Mechanical – Permit Fees

CERTIFICATION: I hereby certify that the above-stated funds are available as of January 3, 2017.

/s/ John Wilcox, Director of Finance

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #4006** adopted 11-0-0.

RESOLUTION #4007 by Councilor Lee, seconded by Councilor Hall.

WHEREAS, the Department of Homeland Security is currently accepting applications from public safety providers to fund training exercises related to complex coordinated terrorist attacks;

WHEREAS, the collective leadership of public safety service providers within the Town of Enfield agree that training for a complex coordinate terrorist attack would be a benefit to the general health, safety, and well-being of the citizens of Enfield; and

WHEREAS, the public safety services providers within the Town of Enfield have agreed that the Enfield Fire Department shall be the lead agency with respect to the application, administration, and execution of said grant; and

WHEREAS, the public safety services providers within the Town of Enfield wish to collectively document their support and commitment to the obligations associated with this grant;

NOW, THEREFORE, BE IT RESOLVED BY THE ENFIELD TOWN COUNCIL, that Town Manager Bryan R. H. Chodkowski, EMS Captain Erin Maloney, and Police Chief Carl Sferrazza are hereby authorized to execute the attached Memorandum of Understanding in support of a 2016 Department of Homeland Security Complex Coordinate Terrorist Attack Grant application.

Councilor Lee thanked the Commissions and Chief of Police for getting Enfield involved in this because this will be beneficial to the town.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #4007** adopted 11-0-0.

RESOLUTION #4008 by Councilor Lee, seconded by Councilor Arnone.

BE IT RESOLVED, that the Enfield Town Council hereby provides its consent to the Town's insurer, CIRMA, to settle the matter of Crowley v. Town of Enfield, et al, No. 3:14cv01903(MPS), pursuant to the discussion with the Town's legal counsel in executive session on January 17, 2017.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #4008** adopted 6-4-1, with Councilors Cekala, Davis, Edgar and Kaupin voting against and Councilor Deni abstaining.

RESOLUTION #4009 by Councilor Lee, seconded by Councilor Arnone.

BE IT RESOLVED, that the Enfield Town Council hereby provides its consent to the Town's insurer, CIRMA, to settle the matter of McDaniel v. Town of Enfield, et al., No. 3:15cv01710(JAM), pursuant to the discussion with the Town's legal counsel in executive session on January 17, 2017.

Councilor Hall stated no one wants to vote for these particular law settlements, but unfortunately without revealing any personal or executive session things, it's realized some of these would cost the Town more money than they're voting to settle for. She noted financially, it makes sense to do this, but it doesn't mean that it doesn't leave a bad taste in their mouth.

Councilor Arnone stated his belief this is the most financially sound thing to do in the long run.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #4009** adopted 7-4-0, with Councilors Cekala, Davis, Edgar and Kaupin voting against.

PUBLIC COMMUNICATIONS

There were no comments from the public.

COUNCILOR COMMUNICATIONS

Councilor Szewczak questioned why anyone would feel they need to tape an interview.

In response, Councilor Davis stated the first time she went to run, a Chair of a party went to her commanding officer and no one spoke up to say this was wrong. She noted she did not feel she was getting a fair deal. She stated she asked Democrat colleagues and a reporter to show up. She noted some thought she was paranoid, however, by the end of the interview it took a turn and went well and by the end of the interview she wasn't paranoid. She stated she taped the interview to see if she was wrong in her thinking. She acknowledged she should have told everyone what she did and how it affected her. She noted it wasn't her point to slander anyone, but rather it was to prove to herself that she wasn't being paranoid, and it wasn't to offend or mistrust anyone. She stated once she was on the Council, she did not record anything. She apologized if she offended anyone because that was not what she wanted to do.

Councilor Edgar pointed out that the recording was not a violation of the law. He noted Connecticut is a single-party state and one person can record at anytime. He stated where the problem might come in later on is how it is used, and it was not used in a negligent

manner. He stated what was done was completely legal and people are blowing it out of proportion.

Councilor Bosco stated he accepts the apology offered by Councilor Cekala, but it still doesn't make it right.

Chairman Kaupin thanked Councilor Davis for her comments. He stated his impression they had a very cordial interview, and the result was that Councilor Davis was unanimously appointed to the Town Council. He stated there are some really good things happening in Enfield, and the only way everyone can capitalize on it is if they are a collective group of eleven with differing opinions making the right decision for Enfield.

ADJOURNMENT

MOTION #4010 by Councilor Lee, seconded by Councilor Arnone to adjourn.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #4010** adopted 11-0-0, and the meeting stood adjourned at 9:00 p.m.

Respectfully submitted,

Suzanne F. Olechnicki
Town Clerk

Jeannette Lamontagne
Secretary to the Council

Appended to minutes of
January 17, 2017 Regular
Town Council Meeting
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TAX ASSESSMENT AGREEMENT

THIS TAX ASSESSMENT AGREEMENT ("Agreement"), made and entered into this ____ day of _____, 2017 by and between WE 25 BACON ROAD LLC, a limited liability company organized and existing under the laws of the State of Delaware, having an office and principal place of business at c/o Winstanley Enterprises LLC, 150 Baker Avenue Extension, Suite 303, Concord, MA 01742 (hereinafter referred to as "WE 25 Bacon") and the TOWN OF ENFIELD, a municipal corporation located in the County of Hartford and State of Connecticut, acting herein by Bryan RH Chodkowski, its Town Manager, hereunto duly authorized (hereinafter referred to as the "Town").

W I T N E S S E T H

WHEREAS, WE 25 Bacon owns the land and buildings at 25 Bacon Road and shown as Lot 0005 on Town Assessor's Map 095 and Lot 0065 on Town Assessor's Map 094 in the Town of Enfield and more fully described in Appendix A (hereinafter the "Facility"); and,

WHEREAS, WE 25 Bacon intends to invest substantial capital into the Facility to renovate the approximately 692,646 square foot building (the "Low Bay Building") and the approximately 319,643 square foot building (the "High Bay Building," and together with the Low Bay Building, the "Buildings") at the Facility for two tenants who will provide jobs and pay taxes to the Town; and

WHEREAS, Section 12-65b of the Connecticut General Statutes provides that a municipality may enter into a written agreement, for a period of not more than ten (10) years, with any party owning or proposing to acquire an interest in real property, fixing assessment of the real property and all improvements thereon or therein and to be constructed thereon or therein, provided the improvements are for certain uses which include warehouse, storage and distribution uses (among others); and

WHEREAS, the renovation of the Facility meets the requirements of Conn. Gen. Stat. §12-65b, which permits tax assessment agreements under certain conditions, since the Facility

will be used primarily as a warehouse, storage and distribution facility as required by the statute; and

WHEREAS, this Agreement has been approved by an affirmative vote of the legislative body of the Town in accordance with Conn. Gen. Stat. §12-65b;

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows, with regard to the Facility:

1. Valuation.

A. As an inducement for the Town to enter into this Agreement, WE 25 Bacon agrees to accept as correct the value placed upon the Facility by the Town as of the October 1, 2016 Grand List, established by the Town pursuant to the valuation update completed for said Grand List. Said valuations are as follows:

Address	Map/Lot	Appraisal	Assessment
25 Bacon Rd.	095/0005	\$27,238,800	\$19,067,180
Bacon Rd.	094/0065	\$234,850	\$164,400
	Totals:	\$27,473,650	\$19,231,580

B. WE 25 Bacon has agreed to the foregoing valuations on the basis that the Buildings are leased and the tenants have possession and are paying a market rent, notwithstanding that the Facility was vacant on October 1, 2016. The Town agrees that the renovation of the Facility for the two tenants is necessary to make the Facility leasable, such renovations shall not change the valuation of the Facility, and therefore the foregoing valuations shall be effective for the October 1 assessments for 2016 through and including 2020 notwithstanding issuance of certificates of occupancy for the Low Bay Building renovations presently in progress, and the issuance of a certificate of occupancy for the High Bay Building following removal of the roof and racking system, and replacement of the roof expected to be completed in November, 2017. The Town expressly agrees that it will not increase the assessment of the Facility for said years as a result of said improvements pursuant to the provisions of Conn. Gen. Stat. §12-53a or any other provision of the General Statutes.

C. WE 25 Bacon waives any right to appeal said valuations for October 1 2016 through 2020, inclusive, under Conn. Gen. Stat. §§12-111, 12-117a, or 12-119, as revised, except that WE 25 Bacon reserves the right to challenge said valuations under applicable law in the event of a casualty or loss to the Facility which results in a change to the assessed value pursuant to Sections 5 or 6 below. The purpose of this clause is to assure that the Town shall be entitled to collect all taxes levied on the assessments as provided for in this Section 1 for the first five (5) years of the Fixed Assessment Period (as defined below).

D. The valuation update for the October 1, 2021 shall be conducted by the Town in the ordinary course of its revaluation pursuant to Conn. Gen. Stat. §12-62, as revised. WE 25 Bacon reserves its rights to appeal said valuation under applicable law.

2. Fixed Assessment Period.

A. The period for which the tax assessment of the Facility shall be fixed (the “Fixed Assessment Period”) shall cover seven (7) consecutive Town fiscal years (July 1 through June 30) commencing on July 1, 2017. The tax assessment on the Facility shall be fixed in the following manner:

1) The assessment for October 1, 2016 shall be fixed at \$11,538,950 (40% abatement of taxes on the Facility).

2) The assessment for October 1, 2017 shall be fixed at \$12,500,530 (35% abatement of taxes on the Facility).

3) The assessment for October 1, 2018 and the following assessments through and including October 1, 2020 shall be fixed at \$13,462,110 (30% abatement of taxes on the Facility).

6) The assessment for October 1, 2021 and for October 1, 2022 shall be fixed at a value which is 30% below the full assessment as prescribed by Conn. Gen. Stat. §12-62, as revised, as determined in connection with the 2021 valuation update.

B. For the assessments from and after October 1, 2023, the assessment of the Facility shall be at its full assessment as prescribed by Conn. Gen. Stat. §12-62, as revised.

C. The Town shall not be bound by this Agreement unless:

1) all municipal property taxes on the Facility, including interest, if any, are paid when due (subject to applicable grace periods); and,

2) the requirements of Conn. Gen. Stat. §12-65b have been satisfied.

3. Representations. The Town has entered into this Agreement on the basis of WE 25 Bacon's representation that the costs associated to renovate the Facility total approximately \$10,000,000 for the Low Bay Building and approximately \$16,000,000 for the High Bay Building.

4. Penalty.

In the event that WE 25 Bacon (or one or more of its tenants), during the term of this Agreement, is not maintaining operations at the Facility for at least one of the uses as listed in Section 12-65b of the Connecticut General Statutes, this Agreement shall become null and void and all prior tax benefits granted hereunder shall become due and payable and WE 25 Bacon, its successors and assignees shall be liable to the Town for full taxation during the period of this Agreement and all tax amounts abated hereunder shall become due and payable with interest at a rate of nine percent (9%), to be determined from the date said taxes would have been due and payable had this Agreement not been in effect, and such total amount shall constitute a tax lien upon the Facility or any other property owned by WE 25 Bacon.

5. Condemnation. In the event the Facility or any part thereof, or any estate therein is taken by condemnation or eminent domain during said Fixed Assessment Period, the applicable fixed assessments specified in Section 1 shall be adjusted to reflect the diminution of value arising out of said taking, in the manner provided by state and local laws and ordinances.

6. Fire or Other Casualty. In the event the Facility or any part thereof or any estate therein is damaged or destroyed by fire or other casualty during said Fixed Assessment Period, the applicable fixed assessment shall be adjusted to reflect the diminution of value arising out of said fire or other casualty, in the manner provided by state and local laws and ordinances.

WE 25 Bacon shall provide to the Town Manager, within ten days of the execution of this Agreement and on the first, second, third, fourth, fifth, sixth and seventh anniversaries of the Certificate of Occupancy, a certificate of fire and casualty insurance for the Facility.

7. Notices. Notices should be sent to the following:

TOWN OF ENFIELD:

Mr. Bryan RH Chodkowski, Town Manager
Office of the Town Manager
820 Enfield Street
Enfield, CT 06082

WE 25 BACON ROAD LLC:

Mr. Adam Winstanley, Principal
c/o Winstanley Enterprises LLC
150 Baker Avenue Extension
Suite 303
Concord, MA 01742

8. Amendments. This Agreement may not be modified or amended except by written consent of all parties.
9. Paragraph Headings. The paragraph headings in this Agreement are for convenience and reference only and in no way define or limit the scope of this Agreement or in any way affect its provisions.
10. Severability. A ruling by any court or administrative body that a portion of this Agreement is invalid or unconstitutional shall have no effect on the other terms hereof which shall remain in full force and effect and binding on the parties.
11. Attorneys' Fees. Any attorneys' fees and costs incurred by the Town associated with collection of any monies under this Agreement shall be paid by WE 25 Bacon, its successors or assignees.
12. Applicable Law. This Agreement shall be interpreted and enforced in accordance with the laws of the State of Connecticut without regard to its choice of law provisions.

(Signatures on following page)

Signed and delivered in the presence of: WE 25 BACON ROAD LLC

By: 8 Capital Street, L.L.C.
Its Manager

By: Winstanley Enterprises LLC
Its Manager

By:

Adam D. Winstanley
A Manager

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex
2017

Then personally appeared the above-named Adam D. Winstanley, a Manager of Winstanley Enterprises LLC, a Delaware limited liability company, the Manager of 8 Capital Street, L.L.C., a Massachusetts limited liability company, the Manager of WE 25 Bacon Road LLC, a Delaware limited liability company, on behalf of the limited liability company, proved to me through satisfactory evidence of identification, which was his Massachusetts driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Winstanley Enterprises LLC, 8 Capital Street, L.L.C. and WE 25 Bacon Road LLC, before me.

_____ O.S.
Name:
Notary Public of the Commonwealth of
Massachusetts
My Commission expires:

APPENDIX A

Deed Reference: Limited Warranty Deed recorded in Volume 2644 at Page 269 of the Enfield Land Records. (See Copy Attached)

**MEMORANUDM OF UNDERSTANDING
BY AND BETWEEN THE PUBLIC SAFETY SERVICE PROVIDERS
OF ENFIELD, CONNECTICUT**

WHEREAS, the Department of Homeland Security has made available grant funding to help state and local governments prepare for, prevent, and respond to complex, coordinated terrorist attacks with the potential for mass casualties and infrastructure damage; and

WHEREAS, those agencies which provide public safety services to the Town of Enfield and its 44,500 residents believe that training and preparing themselves for a complex, coordinated terrorist attack is appropriate for the safety and well-being of the community; and

WHEREAS, said agencies agree that such training and preparation should be undertaken as a cooperative venture to include the grant application process and the disbursement of any expenses associated with the successful award of their grant application;

NOW, THEREFORE BY MUTUAL UNDERSTANDING, the parties below agree to cooperatively apply for a 2016 Department of Homeland Security Complex Coordinated Terrorist Grant.

Bryan R.H. Chodkowski, Date
Date
Enfield Town Manager

Chief Jack Flanagan,
Hazardville Fire Department

Captain Erin Maloney, Date
Date
Enfield EMS Department
Department

Chief Earl Provencher,
North Thompsonville Fire

Chief William Provencher, Date
Date
Thompsonville Fire Department

Chief Edward Richards,
Enfield Fire Department

Chief Carl Sferrazza, Date
Enfield Police Department